

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

James Alls, :
Petitioner, :
v. : Case No. 2:15-cv-2323
Warden, Belmont Correctional : JUDGE MICHAEL H. WATSON
Institution, : Magistrate Judge Kemp
Respondent. :
:

REPORT AND RECOMMENDATION

Petitioner James Alls submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 on June 3, 2015, and moved to proceed in forma pauperis. His application indicates that he has the amount of \$120.10 in his account at the Belmont Correctional Institution.

The filing fee for a petition for writ of habeas corpus is \$5.00. The Court believes that Mr. Alls has a sufficient sum of money to pay the filing fee and will therefore recommend that his application for leave to proceed in forma pauperis be denied. The Court will further recommend that, if Mr. Alls wishes to proceed with this petition, he be directed to submit the appropriate filing fee.

It is therefore recommended that petitioner's application to proceed in forma pauperis (Doc. 1) be denied. It is further recommended that petitioner be directed to submit the \$5.00 filing fee and be advised that his failure to comply may result in the dismissal of this case.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific

proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

/s/ Terence P. Kemp
United States Magistrate Judge